

Claims 23 through 35 stand rejected under 35 U.S.C. § 103 as being unpatentable over Fellner in view of Storm. This rejection is respectfully traversed.

The present invention is a method for liposculpturing an area of the body. Electromagnetic energy is delivered through a skin surface to an underlying collagen containing tissue with the creation of a reverse thermal gradient. The underlying collagen containing tissue is heated without creating a necrosis of melanocytes in the skin. The collagen containing tissue is contracted, and the skin is then contracted.

Fellner discloses an apparatus that causes cell necrosis in subcutaneous adipose tissue. An energy source supplies radiant energy to a localizing focusing element. The focusing element directs the radiant energy to a particular zone of impingement in the subcutaneous adipose tissue layer. The adipose tissue is heated to an elevated temperature that is effected to cause cell death in the adipose cells. See Column 5, lines 35 through 41. This is different from the present invention where electromagnetic energy is delivered through the skin to an underlying collagen containing tissue. The amount of electromagnetic energy delivered is controlled so that there is substantially no cell necrosis in the melanocytes. Fellner teaches away from the present invention by creating cell necrosis in a subdermal area. The present invention does not create cell necrosis, but instead reconfigures collagen in the collagen containing tissue and tightens the overlying skin surface.

Storm provides an apparatus for the destruction of tumors and the necrosis of cells. Electromagnetic energy is delivered through the skin to a tumor. The energy delivered is sufficient to cause cell necrosis of the tumor. This is also different from the present application where instead of energy is delivered to reconfigure the collagen in the collagen containing tissue but not cause cell necrosis. The combination of Fellner and Storm only teaches cell necrosis, not collagen contraction. Fellner in combination with Storm leads one skilled in the art to achieve cell necrosis and not collagen contraction without cell necrosis.

CONCLUSION

It is submitted that the present application is in form for allowance, and such action is respectfully requested.

The Commissioner is authorized to charge any additional fees which may be required, including petition fees, or credit any overpayment to Deposit Account No. 23-2415 (Docket No. KNOW 1001). A duplicate copy of this paper is enclosed.

Respectfully submitted,

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